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February 27, 2007

REPORT OF THE COMMITTEE
ON LAND USE

The Committee on Land Use held a meeting on February 27, 2007, with Chairman Sean O'Donovan presiding and Committee Members Aldermen Maryann Heuston and Thomas Taylor also present and voting. Also present were Aldermen Rebekah Gewirtz, William White, William Roche and Robert Trane as well as Michael Lambert from the Mayor's Office, Alice Martin, Martha Tai and Greg Jenkins from SPCD, consultant Jay Wickersham and several concerned citizens.

Ms. Tai reviewed the responses prepared to questions asked at the Land Use meeting on 2-20-07 regarding

- SPCD's response to the Planning Board's recommendation
- The impact of reducing the project to a limit of 8 stories
- The impact of increasing affordable housing to 15%
- The impact of relocating the Green Line to the center of Union Square
- The creation of stronger language in the design guidelines regarding the proximity to residential neighborhoods
- Creation of other open space options without limiting the developer and
- Historically protected properties located in the PUD district

Chairman O'Donovan will seek an opinion from the City Solicitor regarding the following note from SPCD: The Board of Aldermen must determine how Artist Studio Space use should be categorized (by-right, SPSR, or prohibited) in IB districts under § 7.11 (Table of Permitted Uses) under the SZO. The Amendment proposes that Artist Studio Space be permitted by SPSR in IA districts. OSPCD recommends that Artist Studio Space use should also be permitted by SPSR in IB districts.

Alderman White expressed concerned that a portion of affordable housing may go to a specific group, i.e., artists and asked if lottery would be held. He also stated his belief that the zoning to create an arts district with T stop, would create gentrification and rising real estate values.

Alderman Heuston inquired about the level of enforcement, i.e., can a developer refuse to make some units available for artists and Mr. Wickersham responded that there is a requirement for artists use, but the city can't require that some affordable units be set aside for artists. He further stated that 12.5% affordable

housing requirement is a floor, not a ceiling. Additional affordable housing is allowable and would provide a density bonus to the developer.

Alderman Taylor said that the goal should be to have affordable housing for families and asked if this was feasible. Ms. Tai replied that there is language that encourages this but it is not a requirement. Sec 13.3.4 addresses this issue. Mr. Wickersham stated that the zoning encourages relatively large units but that the city cannot dictate the size of units but, he noted, the affordable units do have to reflect the rest of the project.

Chairman O'Donovan asked Mr. Wickersham to provide a list of the types of dimensional waivers that could be granted under Section 16.5.4

Alderman Heuston asked if there are uses that require a SPSPR and if uses can be restricted for the PUD while still leaving them in place for underlying zoning? Ms. Tai responded by stating that grandfathered uses would be protected and that if the use was not permitted in CBD then it would not be permitted. Alderman Heuston asked if a parking plan could be incorporated in the project and Mr. Wickersham suggested that the city wait to see what comes out of transit planning. Chairman O'Donovan wants to refer this issue to Traffic Engineer Terry Smith and Traffic and Parking Director Jim Kotzuba for a response prior to the next meeting of the committee.

Chairman O'Donovan asked the members to review the presented material and to submit any further questions for discussion.

No Papers were acted on.

Alderman Sean T. O'Donovan, Chairman
Committee on Land Use

COMMITTEE REPORT

Report of the Committee on Land Use,
February 27, 2007

In Board of Aldermen

Clerk